IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

NOTICE OF MOTION NO. 1834 OF 2003
IN
PETITION NO. 384 OF 2003

Mr. Gopal Ramourti .....Petitioner.
and
Mrs. Jarina Kapadia .....Applicant
vs.
Mrs. Shabnam Kapadia and Ors.....Respondents.

A.S. Doctor i/b. Hariani and Co. for the applicant.

Ms. S.T. Shaikh i/b. S.K. Srivastav and Co. for defendant no.1/2.

B.B. Saraf for Respondent no.3/4.

CORAM: S.U. KAMDAR, J.

DATE : 8TH JULY, 2005.

P.C. :

1. By the present notice of motion the executor of the will are seeking to remove the lock of Shop No.15 and permission for Respondent no.3 and 4 to run the business of a restaurant known as ‘Garden Grill’. I am of the opinion that pending the

disposal of the petition it is not possible to grant such a relief in a blanket form. In the circumstances the Court Receiver is appointed as Receiver inrespect of premises being Shop No.15 and 17 admeasuring 235 and 325 sq.mts resp., situated at Eden II Hirananandani Gardens, Powai, Mumbai-76 The Receiver will appoint Respondent nos.3 and 4 as agent of the Court Receiver inrespect of the said premises. The Receiver shall appoint Respondent nos.3 and 4 as agent without the payment of security but on payment of the necessary royalty charges. Court Receiver is directed not to put any board on the premises. The Court Receiver will permit the respondents no.3 and 4 to run the business of the 'Garden Grill' from the said premises. Respondent nos.3 and 4 also undertake to this court that within a period of four weeks from today they shall file accounts of the business run from 'Garden Grill' during the period 2000-2003 and copy whereof will be served to the Respondent no.1 herein. With the aforesaid directions motion is disposed off. No order as to costs.

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